PROPOSED TOPIC FOR THESIS:

"A COMPARITIVE STUDY ON TRANSGENDER'S ACCEPTANCE: DISTANCE TRAVELLED AND A WAY AHEAD"

RESEARCH PLAN FOR THE AWARD OF THE DEGREE OF

DOCTOR OF PHILOSOPHY

IN

LAW

UNDER THE SUPERVISION OF:

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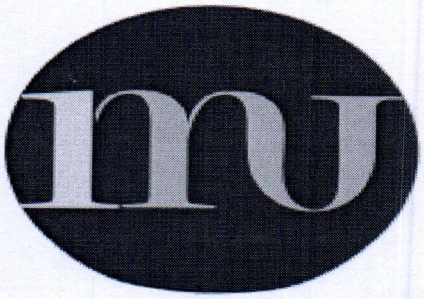

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"Why is it that, as a culture, we are more comfortable seeing two men holding guns than holding hands?"-*Ernest Gaines (Pulitzer Prize nominated author)*

1. INTRODUCTION

Transgender is an umbrella term for persons whose gender identity, gender expression or behavior does not conform to that typically associated with the sex to which they were assigned at birth.Gender identity is a person's internal, personal sense of being a man or a woman (or boy or girl.) For some people, their gender identity does not fit neatly into those two choices. For transgender people, the sex they were assigned at birth and their own internal gender identity do not match. Sexual orientation describes a person's enduring physical, romantic, and/or emotional attraction to another person (for example: straight, gay, lesbian, bisexual), while gender identity describes a person's, internal, personal sense of being a man or a woman, or someone outside of the gender binary.Like everyone else, transgender people have a sexual orientation. Transgender people may be straight, lesbian, gay, bisexual, or queer. For example, a person who transitions from male to female and is attracted solely to men would typically identify as a straight woman. A person who transitions from female to male and is attracted solely to men would typically identify as a gay man.

'Transgender' is a term that literally means - "trans" which is a Latin term means "beyond" or "across" - so, transgender describes someone who is crossing gender boundaries.[1] The term 'transgender people' is generally used to describe those who transgress social gender norms.[2] In Asia, Hijras persist even today, although their reverence is often limited to the belief that their presence at weddings is a good portent for the couple. They do tend to suffer in the modern Indian caste system, something that "eunuchs" of all types are banding together to work to improve (i.e. only recently was a Hijra able to vote, and now there have been Hijran elected officials).[3] Historically, they have often worshipped the mother-goddess Bahuchara Mata, although some also worshipped Shiva in his half-man, half-woman persona, Ardhanarisvara.[4]

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[1]http://judis.nic.in/supremecourt/imgs1.aspx?filename=41411 (Visited on August 22, 2017).
[2]Shobharam Sharma, "Transgender in India: Human Rights and Social Exclusion" in *AIR* Vol. 100 Part 1193, May 2017 at 87.
[3] http://www.bilerico.com/2008/02/transgender_history_trans_expression_in.php#PK0t3Frrxkd8Gy4X.99 (Visited on April 02, 2018).
[4]*Ibid.*

Many social norms, once tolerated by law, have over the years been classified as punishable offences. There are also many which were considered abhorrent but came to be tolerated and later recognized as normal. Homosexualityfalls in this category. It attracted and still attracts stringent punishment under Section 377 of the Indian Penal Code,1860.The origin of the law can be traced back to Judeo-Christian moral standards which insisted that any form of non-procreative sex was immoral or "against the order of nature".[5]Historians have speculated that "there were concerns that not having wives would encourage the Imperial Army to become 'replicas of Sodom and Gomorrah' or to pick up 'special Oriental vices".[6] The Indian hijracommunity encompasses persons with a variety of gender identities and sexual orientations, forming a culturally unique gender group. Although these communities have existed for ages within Indian society, hijras have been stigmatized and marginalized to a large extent.[7]

Homosexuality is mostly a taboo subject in Indian civil society and also for the government.[8] The term homosexuality was invented in the 19th century, with the term heterosexuality invented later in the same century to contrast with the earlier term. The term bisexuality was invented in the 20th century as sexual identities became defined by the predominate sex to which people are attracted and thus a label was needed for those who are not predominantly attracted to one sex.[9] This points out that the history of sexuality is not solely the history of different-sex sexuality plus the history of same-sex sexuality, but a broader conception viewing of historical events in light of our modern concept or concepts of sexuality taken at its most broad and/or literal definitions.[10]

'Homosexuals' are defined as people who are sexually attracted by other persons of the same sex.[11] The words "gays" or "gay people" are also common terms used instead of "homosexuals", whereas "lesbians" are only used to describe female homosexuals. These fundamental definitions of homosexuals already indicate that this minority group is evenly

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[5]http://comcordelsr.weebly.com/section-377.html (Visited on September 05, 2017).
[6]SuparnaBhaskaran, "The Politics of Penetration: Section 377 of the Indian Penal Code" in Ruth Vantia (ed.) *Queering India: Same-Sex Love and Eroticism in Indian Culture and Society* (Routledge, UK, 2002).
[7]SiddharthNarrain, "The Queer Case of Section 377", *available at:*http://orinam.net/377/wp-content/uploads/2013/12/On_sec_377_Sarai_2005.pdf(Visited on January 15, 2018).
[8]http://indiansnews.com/2015/01/06/homosexuality-means-not-normal-crime-india/ (Visited on August 25, 2017).
[9]http://www.lankanewspapers.com/news/2007/5/14835_space.html (Visited on August 21, 2017).
[10]www.statemaster.com/encyclopedia/History-of-sex (Visited on August 21, 2017).
[11]Jerry Sloan, "A brief history of gay rights."*available at:*http://www.ifas.org/fw/9707/gays.html (Visited on April 05, 2018).

distributed throughout the entire society. Homosexuals can be both men and women. They exist in all classes, social groups, races, positions, and countries, regardless of their age or origin.[12] As far as historians can trace back the past, homosexuals have always been in existence,[13] including Julius Caesar,[14]Alexander the Great,[15] and many Indian kings are referred in stories to have a number of boys in their palaces, Prince Manvendra Singh Gohil,[16] is the only known person of royal lineage in modern India to have publicly revealedhe is gay.[17]

Homosexuality is not a disease or mental illness that needs to be, or can be, 'cured' or 'altered', it is just another expression of human sexuality. Homosexuality is a type of sexual orientation characterized by sexual desire or romantic love exclusively or almost exclusively for people who are identified as being of the same sex. It can also be defined as sexual relations with another of the same sex regardless of one's sexual orientation, self-identification or gender identity.[18]Homosexuals are as normal as other human beings. Yet, just because they love 'their own kind', they are ostracised and hounded by the law. And branded as 'queers' and 'aberrations' - precisely what they are not. Homosexuals are normal humans attracted to their own gender. Relationships are defined by comfort levels and not societal sanctions, "Like heterosexuality, homosexuality is an orientation which is not unnatural. The world accepts this orientation, society is changing." What is not changing is the legal mindset in India.[19]

Homosexuals are often harassed, insulted, kicked, punched, and thrown at by fellow classmates, co-workers and even family members just for being gay. These discriminations base on prejudices and stereotypes that society has of the gay community.[20]The complexity of the homosexual behaviour generates an obvious question in everyone's mind as to why society looks down upon deviant sexual orientations like homosexuality. Is it because the homosexuals behave

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[12]*Supra* note. 7
[13]*Supra* note. 14
[14]Caesar was said to be "every women's husband, every man's wife."
[15]One contemporary source commented that Alexander was never defeated, except by Hephaestion's thighs. Most scholars have interpreted this as meaning that Hephaestion was Alexander's lover, rather than merely his wrestling companion.*available at:*http://www.writersreps.com/feature.aspx?FeatureID=16(Visited on September 05, 2017).
[16]Prince Manvendra Singh Gohil is an openly gay Indian man who runs a charity, The Lakshya Trust, which works with the LGBT community.He is the only son and probable heir of the Maharaja of Rajpipla in Gujarat.
[17]http://m.rookiestew.com/fatcs-indian-royalty-going-breath-away/(Visited on April 28, 2018).
[18] Manish Lakhawat, "Same Sex Relationship: Time for Legal Recognition in India", *available at:* http://www.legalserviceindia.com/articles/ssrel.htm (Visited on December 30, 2017).
[19]Amit Kumar Sinha , "Homosexuality in India: Better Late Than Never", 3 *JILI* (2011) Issue 4
[20]*Supra* note. 7

in a way which is not normal, or which is not practiced by the 'bulk'?[21]The society at large imputes taboos and stigmatizes such deviant persons. Does the society really want to curb such deviance or is it the means for the society to pacify its inner personal war between the conscience and the manifested act in some dark corner? One, alone, perhaps cannot answer these questions because it needs an in-depth analysis of human psychology, the finer strands of social structure and above all the 'unknown' philosophy of 'inner self'.[22]

Among the most common stereotypes are those which carry fear and ignorance. Gays are said to be "child molesters" and "sex-crazed maniacs". They are considered extremely "immoral" because they do not follow social customs, "unnatural" because homosexuality violates the basic functions of genitals and contradicts the nature.[23] Gayness is considered by opponents a voluntary "act" and "behaviour", which a person can act on, since homosexuality is from their point of view a matter of choice, their sexual practices is "crime" which make homosexuals criminals.[24]

On the other hand, Homosexuals state that, *"It takes great courage to say, I am a homosexual. It needs even greater humbleness to put up with the statement."*[25] Gays defend themselves by arguing that homosexuality is a characteristic with which they are attached in the early childhood or even with birth. Gays do not have a choice over their homosexuality as heterosexuals do not have a choice over their heterosexuality. Hence, gayness is a condition over which they do not have, just as no one has control over his or her ethnic race, origin, outer appearance, or the class they he or she is born in. In addition, empirical research on adult sexual orientation and molestation of children has shown that gay men are not more likely to molest children than heterosexual men.[26]

Homosexuals have also been targeted when AIDS became a worldwide problem in the early years of the eighties. Gay men were primarily infected with HIV due to the fact that their sexual activity, which includes the semen transmission between two men, makes them extremely

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[21]*Supra* note. 21
[22]*Supra* note. 21
[23]http://peopleofpridelgbtqcommunity.weebly.com/ (Visited on August 22, 2017).
[24]*Supra* note. 7
[25]Bonnie Kaye,*Straight Talk: A Collection of Her Best Newsletters about Gay Husbands* (CCB Publishing, British Columbia, Canada, 2008).
[26]*Supra* note. 7

vulnerable. As females who have sexual contact with HIV-infected men were infected, and as children, drug-addicts who share infected needles, became potential targets of AIDS, homosexuals have been blamed as a threat to the innocent society.[27] They were labelled "disease carriers", and were said to "pollute" an innocent part of the human population. Once more, recent empirical studies were needed to show that "the assumption that all or most gay people have AIDS... is simply wrong". In fact, heterosexual sex is nowadays the main cause for the virus to spread, representing 90% of new AIDS-cases.[28]

Reports of harassment, violence, denial of services, and unfair treatment against transgender persons in the areas of employment, housing and public accommodation have been discussed in local media, from time to time.[29]India's Supreme Court for the first time recognized a third gender in a judgment aimed at giving transgender Indians their own legal status and better legal protection and privileges. The Hon'ble Court in National Legal Services Authority v. Union of India said, "Recognition of trans-genders as a third gender is not a social or medical issue but a human rights issue."[30]The court's decision would apply to individuals who have acquired the physical characteristics of the opposite sex or present themselves in a way that does not correspond with their sex at birth. The Supreme Court specified its ruling would only apply to transgender people but not to gays, lesbians or bisexuals.[31]

As homosexuality is becoming more and more socially accepted during the eighties, gay rights groups started to shift their campaign towards equal political treatment.[32] Basically, gay rights movement is defined as the demand of gays to be treated as equal citizens with the same rights, privileges, and treatment as heterosexuals do.[33] Even in England, homosexuality was crime, but they reformed their law according to need and want of their society, by the Sexual Offences Act, 1967, [34] which de-criminalised homosexuality and acts of sodomy between

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[27] *Supra* note. 7
[28] *Supra* note. 7
[29] http://online.wsj.com/news/articles/SB10001424052702303887804579503602703598022 (Visited on August 22, 2017).
[30] *National Legal Services Authority v. Union of India,*2014(2) R.A.J. 673
[31] http://www.thestar.com/news/world/2014/04/15/in_india_landmark_supreme_court_ruling_recognizes_transgender_as_third_gender.html (Visited on 22August, 2017).
[32] http://www.cissmun.org/cissmun/wp-content/uploads/2012/12/CISSMUN-2013-GA3-Topic-3-Report.pdf(Visited on April 03, 2018).
[33] *Supra* note. 7
[34] Sexual Offences Act, 1967- It decriminalised homosexual acts in private between two men, both of whom had to have attained the age of 21. The Act applied only to England and Wales and did not cover the Merchant Navy or the

consenting adults (above age of 21) pursuant to the report of *Wolfenden Committee.*[35] Lord Macaulay drafted Indian Penal Code, 1860 and introduced it in 1861 while replacing a tolerant Indian attitude towards sexuality with a highly oppressive one, which similarly prevailed throughout most of the British Empire due to the Christian religious beliefs of the British colonial governments.[36]But Indians are still bearing the odds of Section 377Indian Penal Code, 1860, a code which was drafted approx. 155 years ago.[37]

Justice Kennedy referring to the impact of anti-sodomy laws on the lives of gays, lesbians and transgenders in *Lawrence v. Texas*[38] stated that:

"The state cannot demean their existence or control their destiny by making their private sexual conduct a crime."

The shift in the understanding of homosexuality from sin, crime and pathology to a normal variant of human sexuality occurred in the late 20th century.[39] The American Psychiatric Association, in 1973, and the World Health Organisation, in 1992, officially accepted its normal variant status. Many countries have since decriminalised homosexual behaviour and some have recognised same-sex civil unions and marriage. The new understanding was based on studies that documented a high prevalence of same-sex feelings and behaviour in men and women, its prevalence across cultures and among almost all non-human primate species.[40]Investigations using psychological tests could not differentiate heterosexual from homosexual orientation. Research also demonstrated that people with homosexual orientation did not have any objective psychological dysfunction or impairments in judgement, stability and vocational capabilities. Psychiatric, psychoanalytic, medical and mental health professionals now consider

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Armed Forces. Homosexuality was decriminalised in Scotland by the Criminal Justice (Scotland) Act, 1980 and in Northern Ireland by the Homosexual Offences (Northern Ireland) Order, 1982.

[35] Wolfenden Committee- The Report of the Britain Departmental Committee on Homosexual Offences and Prostitution.

[36] Ruth Vanita and SalimKidwai, eds. *Same Sex Love In India: A Literary History* (Penguin India Books, New Delhi, 2017).

[37] *Supra* note. 22

[38] 539 US 558, 560 (2003)

[39] VA Sadock, "Normal Human Sexuality and Sexual Dysfunctions", BJ Sadock, VA Sadock, *et.al* (eds.) *Kaplan and Sadock'sComprehensive Textbook of Psychiatry* (Lippincott Williams & Wilkins, Philadelphia: 9th ed., 2009,pp. 2027–59).

[40] J. Drescher, W.M. Byne,"Homosexuality, Gay and Lesbian Identities and Homosexual Behaviour", BJ Sadock, VA Sadock, *et.al* (eds.), *Kaplan and Sadock's Comprehensive Textbook of Psychiatry* (Lippincott Williams & Wilkins, Philadelphia: 9th ed., 2009,pp. 2060–89).

homosexuality as a normal variation of human sexuality. Human sexuality is complex.[41] The acceptance of the distinction between desire, behaviour and identity acknowledges the multidimensional nature of sexuality. The fact that these dimensions may not always be congruent in individuals suggests complexity of the issues. Bisexuality, both sequential and concurrent, and discordance between biological sex and gender role and identity add to the issues. Medicine and psychiatry employ terms like homosexuality, heterosexuality, bisexuality and trans-sexuality to encompass all related issues, while current social usage argues for lesbian, gay, bisexual and transgender (LGBT), which focuses on identities.[42]

Section 377of the Indian Penal Code, 1860 makes certain acts illegal.[43]The section seems neutral in that it criminalizes certain sexual acts and not people and their identities. However, it has never been used against consenting heterosexual persons and has been misused against homosexual persons. The primary problem with the provision of law is that it does not take into consideration age or consent. Therefore, it criminalizes adult consensual same sex acts.[44]

As there is difficulty in arresting people for sexual conduct in private, the enforcement of Section 377 has also become pervasive and is being used against homosexuals in a more general and arbitrary manner. The Indian Courts failed to recognise the need to think more creatively about the levels and forms of harassment that occur in such indirect uses of Section 377, constituting a very serious and concrete injury to hundreds of men in this country with same sex desires.[45]The prevalence of homosexuality is difficult to estimate for many reasons, including the associated stigma and social repression, the unrepresentative samples surveyed and the failure to distinguish desire, behaviour and identity.

Section 377of Indian Penal Code, 1860was struck down by the 2009 Delhi High Court

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[41] *Ibid.*

[42] T. S. SathyanarayanaRao and K. S. Jacob, "Homosexuality and India", *Indian Journal of Psychiatry,* Vol. 54(1), 2012, 1-3.

[43] *Section 377: Unnatural offences* - "Whoever voluntarily has carnal intercourse against the order of nature with any man, woman or animal shall be punished with imprisonment for life, or with imprisonment of either description for a term which may extend to 10 years, and shall be liable to fine.

Explanation - Penetration is sufficient to constitute the carnal intercourse necessary to the offence described in this section."

[44] Gowathnam, "A summary of the Supreme Court verdict on Section 377" *available at:* http://orinam.net/377/wp-content/uploads/2013/12/sec377_summary_Gowthaman.pdf (Visited on August 05, 2017).

[45] Alok Gupta, "Section 377 and the Dignity of Indian Homosexuals", *Economic and Political Weekly*, 2006, 4815-4823.

decision *Naz Foundation v. Govt. of NCT of Delhi*,[46] which found Section 377 and other legal prohibitions against same-sex conduct to be in direct violation of fundamental rights provided by the Indian Constitution. To sum up, the Court declared that Section 377 of the Indian Penal Code, in so far as it criminalises consensual sexual acts of adults in private, violates Articles 21,[47] 14[48] and 15[49] of the Constitution of India. By saying this, the High Court has proved that it is surely a custodian of fundamental rights of citizens of India.[50]In December 2013, however, India's top court in *Suresh Kumar Koushal and another v. NAZ Foundation and others*,[51]upheld the introduction of a law that criminalises gay sex, in a ruling that reverses a landmark 2009 Delhi High Court order which had decriminalised homosexual acts. The court said it was up to parliament to legislate on the issue.[52]

The protests against the reinstitution of Section 377 took place across India, and resulted in political activism across political parties to declare their support for the law's repeal. By April 2014, the month of the last general elections in India, at least three major political parties - the AamAadmi Party, the Congress and the Communist Party of India (Marxist) - had included support for decriminalization of homosexual relations in their election manifestos, while the BJP's leadership supported the law.[53]

The Netherlands in 2001 was the first country to legalize same-sex marriages, with the first marriages performed in the Amsterdam city hall on April 1, 2001. Since then, same-sex marriages have been recognised legally by Belgium (2003), Spain (2005), Canada (2005), South Africa (2006), Norway (2009), Sweden (2009), Argentina (2010), etc.[54] State of Tamil Nadu in

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[46]AIR 2009 Del. 58

[47] Article 21 of Constitution of India- No person shall be deprived of his life or personal liberty except according to procedure established by law.

[48] Article 14of Constitution of India - The state shall not deny to any person equality before the law or equal protection of laws.

[49] Article 15of Constitution of India- Prohibition of discrimination on the grounds of religion, race, caste, sex or place of birth.

[50]ShikhaTiwari, "Growing Acceptance and Recognition of Civil Union and the Conundrum of the Supreme Court Judgment: India at Cross Roads", *available at:* https://legalbloc.com/growing-acceptance-recognition-civil-union-conundrum-supreme-court-judgement-india-cross-roads-shikha-tiwari3rd-year-nluja-assam/ (Visited on March 25, 2018).

[51]AIR 2014 SC 563

[52]*Suresh Kumar Koushal and another v. NAZ Foundation and others*, AIR 2014 SC 563

[53]*Supra* note. 58

[54]https://tantor23.wordpress.com/category/history/page/3/ (Visited on April 02, 2018).

India became the first state to introduce a transgender (hijra/aravani) welfare policy.[55] The biggest hurdle faced by the campaign to fight discrimination based on sexual orientation in India is Section 377 of the Indian Penal Code, 1860which criminalizes unnatural sex. The law, a remnant of Victorian morality, was meant to prevent any sexual activity that was not meant for procreation was considered a sin. It is the time for us to change our perceptions and visualizations vis-à-vis same sex marriages. We must accept that the main aim of sexual activities is not only procreation but also enjoyment of human life. It is also the time for us to protest for the rights of homosexuals and for decriminalizing the homosexual conduct.[56] Now Section 377 seems to be out dated and a moral of a bygone era. In keeping with international trends in jurisprudence and legal discourse, it is important that our law is also brought in line with international standards and some relief is granted to this marginalised group.[57]

India is still not sure what to with this controversial law as is visible from the contrary decisions of judiciary and government's reluctance to come out with an appropriate law for homosexuals though recently the Parliament acknowledged the basic rights of transgenders and came out with the new legislation upon transgenders. ***The Rights of Transgender Persons Bill, 2014***,[58] calls for equal rights and reservation to transgenders and envisages creation of a national commission and state level commissions for transgender communities, as we all have human rights, whatever our gender identity.[59]

Different sexual expressions or orientations automatically come within the ambit of expanded right to life and personal liberty,[60] as this right also include provision for future developments. Right to equality as well as right against any discrimination based on sex would also be violated in absence approval of homosexuality. Marriage is more than a legal status. It affects many things in society such as tax filing status, joint ownership of property, insurance benefits, and agency law. It affects critical medical decisions.[61] For example, if one member of a

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[55]DhananjayMahapatra, "Politicians drag feet on repealing Section 377" *The Times of India*, Dec. 16, 2017.
[56]http://www.indialawjournal.com/volume3/issue_4/article_by_amit.html(Visited on March 25, 2018).
[57]*Supra* note. 21
[58]RajyaSabha on 24 April, 2015 unanimously passed The Rights of Transgender Persons Bill, 2014 by voice vote.
[59] http://www.evartha.in/english/2015/04/25/bill-ensuring-equal-rights-for-transgenders-passed-in-rajya-sabha.html (Visited on April 30, 2018).
[60] Article 21of Constitution of India- No person shall be deprived of his life or personal liberty except according to procedure established by law.
[61]http://www.indialawjournal.com/volume3/issue_4/article_by_amit.html(Visited on March 25, 2018).

gay couple that has been together for 20 years gets critically ill, visitation may not even be allowed since the other isn't considered a "spouse or immediate family member".[62] Also, critical medical decisions must often be made when one person is incapacitated; e.g. should a certain surgery be done or not? It is completely unfair to deny these privileges to people because their relationship doesn't fit the state's definition of one.[63] An overwhelming amount of research has been done showing that homosexuality has a biological causation; not a genetic one, but a biological one.[64]

The culture of marriage has changed over the years and that recognizing same-sex marriage is just another change.[65]Advocates of same-sex marriage also argued that restricting marriage to opposite-sex couples based on society's need for an institution that symbolizes the inherently procreative relationship between a man and a woman, means that opposite-sex couples who cannot or do not want to have children should be excluded from marriage, or, more extremely, that only a man and a woman who produce a child should be allowed to marry.[66] The argument that same sex marriages should not be made legal "because they do not produce kids" is ridiculous. Should heterosexual couples over 50 not be allowed to marry as they cannot produce kids either? If two people love each other and want to unite their destinies, then it is a beautiful thing which should be celebrated. Whether it is called "marriage" or "life pact" does not matter. Same-sex unions harm no one; one's support or opposition to this is a matter of personal belief and morality, with which the government has no business to interfere.[67]

Thus India took a giant, albeit belated, step towards globalisation on 2nd July, 2009 when the Delhi high court delivered a historic judgement[68] to amend a 149 year old colonial-era law 'Section 377' of the Indian Penal Code, 1860 and decriminalise private consensual sex between adults of the same sex. It was the biggest victory yet for LGBT rights and a major milestone in the country's social evolution. But the Apex Court turned down the ruling of Delhi High Court and took away the relief guaranteed to same-sex couples while criminalising Section 377Indian

[62]http://www.balancedpolitics.org/same_sex_marriages.htm(Visited on March 25, 2018).
[63]https://mariah13hollywood.wordpress.com/tag/gay-marriage/ (Visited on March 25, 2018).
[64]http://www.indialawjournal.com/volume3/issue_4/article_by_amit.html(Visited on March 25, 2018).
[65]https://storify.com/faisalkhan/homosexuality-be-decriminalized-or-not-1(Visited on April 03, 2018).
[66]*Supra* note. 22
[67]*Supra* note. 22
[68]*Naz Foundation v. Govt. of NCT of Delhi* (AIR 2009 Del. 58)

Penal Code, 1860.[69]

The United Nations has urged India to decriminalize homosexuality by saying it would help thefight against HIV/AIDS by allowing intervention programmes, much like the successful ones inChina and Brazil.[70]If India decriminalizes Section 377it will also help in reducing the population rate of the nation as procreation is not the sole aim of marriage. It will ultimately help many destitute, neglected orphan kids to have their own family as same-sex couples willing to raise children can opt for adoption thereby indirectly contributing in country's prosperity.

The public benefits of this decriminalisation would start with a sense of self-acceptance, comfort, confidence and evolving pride among gays, bisexuals, lesbians, transgenders, hijras, all of whom are in some way or the other caught within the broader meaning of *S.377*. Decriminalisation will allow for the opportunities and space for the gay movement to emerge from the shadows out into the open and create a space for itself to interact with the rest of the civil society, in a relatively more equal position.[71]

There is a dearth of Indian literature that has systematically investigated issues related to homosexuality. Research into these issues is crucial for increasing our understanding of the local and regional context related to sexual behaviour, orientation and identity in India. However, the challenging effects of anti-sodomy laws on the personal lives of gay men can be debilitating. The reality is that most gay people are "under-confident, silent, and completely closeted about the reality of their queer desires".[72] Despite medicine and psychiatry arguing that homosexual orientation is a normal variant of human sexuality, mental health fraternity and the government in India are yet to take a clear stand on the issues to change widely prevalent prejudice in society. The fraternity needs to acknowledge the need for research into the context-specific issues facing LGBT people in India. The teaching of sexuality to medical and mental health professional; law students, judges and lawyers; police and other executive officers needs to be perceptive to the issues faced by people with different sexual orientations and identities. A positive and a non-judgemental attitude will go a long way in relieving distress. Professional societies need to

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[69]*Suresh Kumar Koushal and another v. NAZ Foundation and others*, AIR 2014 SC 563

[70]Justice A.P. Shah, De-criminalisation of anti-sodomy law in India, *Pukaar*, April 2012, Issue 77, 5-9.

[71]*Supra* note. 53

[72]ArvindNarrain, "The Articulation of Rights around Sexuality and Health: Subaltern Queer Cultures in India in the Era of Hindutva", *Health and Human Rights,* Vol. 7, Issue 2, 2004, 143-164.

increase awareness of these issues, transfer knowledge and skill. The emphasis should not just be on education but also on a change of attitude.[73]

A purely theoretical study of human rights of LGBT's and its legal regimes cannot prove very beneficial unless an empirical study is performed in order to identify the functional and technical deficiencies. Thus, the empirical study was concluded with the objective to ascertain the lacunae in the implementation of the legal regimes and to have insight into people's perceptions about various rights demanded by LGBT community and crimes which emerge daily in different ways against such people. For this purpose universe of empirical study included various persons like lawyers, judicial officers, bureaucrats, police officials, university officials, students, teachers, social activists, parents of LGBT people and LGBT community itself. Questionnaires will be designed to for different categories of people keeping the objectives of the survey informational needs in mind. Six set of categories viz. LGBT people, General Public, Police, Judicial officers, Lawyers, Social Welfare Department is planned to be prepared to have in-depth knowledge about the basic rights denied to LGBT people and their relationship with the society. They will be given questionnaire so that views of nearly fair representative data related to various issues faced by LGBT's is collected for analysis and evaluation, so that in this research work the researcher could understand where laws and society needs to work upon in mainstreaming this marginalised group.

2. REVIEW OF LITERATURE

A literature review is an account of what has been published on a topic so far and summarize the research findings that others have reported and comment on each study's worth and validity. The review of the professional literature relevant to my research area will help to contextualize or frame my research work. It will also give readers the necessary background to understand my research.[74]

K.D. Gaur, in his book entitled *"A Textbook on The Indian Penal Code"* [75] has exhaustively discussed the once neglected but today a debateable crime of unnatural offences.

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[73]T. S. SathyanarayanaRao and K. S. Jacob, "Homosexuality and India", *Indian Journal of Psychiatry,* Vol. 54(1), 2012, 1-3.

[74]http://linguistics.byu.edu/faculty/henrichsenl/ResearchMethods/RM_3_03.html(Visited on December 30, 2017).

[75]K.D. Gaur, *A Textbook on The Indian Penal Code*618-622 (Universal Law Publishing Co. Pvt. Ltd., Delhi, 2007).

This book had nicely elaborated Section 377 of the IPC as it not only gave the ingredients of the section but also describes the unnatural offences under the English Law. This book also explains the basics of unnatural offences and what are those factors which makes a person guilty under Section 377 of IPC. It helps in understanding that how the similar facts are admissible in homosexual offences and makes the person liable for an unnatural offence. After viewing in detail the Section 377 the author tries to find an answer to the question that should homosexuality be legalised in India. This book would be of enormous help to the researcher in proceeding with her research work as it thoroughly discusses the validity of Section 377 of IPC.

B.M. Gandhi, in his book named *"Indian Penal Code"*[76]has explained Section 377 of IPC by giving details of the unnatural offences which are punishable under the said section. It has clearly demarcated the difference between the lesser known terms relating to sexual offences. The terms which are avoided in normal use and which are sometimes misunderstood as people are not aware of actual meaning of those terms has been clarified by the author. As the book explains the various terms relating to the researchers topic, it will assist her by giving knowledge about these terms.

Shakuntala Devi's book *"The World of Homosexuals"*[77] is considered as the first study of homosexuals in India in the year 1977. According to the author her interest in the topic came out of her marriage to a homosexual man and subsequent desire to look at homosexuality more closely to understand it. The book features interviews with two young Indian homosexual men, a male couple in Canada seeking legal marriage, a temple priest who explains his views on homosexuality and it also reviews the existing literature on homosexuality. It ends with a call for decriminalising homosexuality and claims "full and complete acceptance - neither tolerance nor is sympathy" demanded. This book will throw light upon the homosexuality in the Indian context and help the researcher to learn the society's attitude towards the homosexuals in the late 1970's.

Arvind Narrain and GautamBhan edited book entitled as, *"Because I Have A Voice: Queer Politics In India"*[78] with 27 articles is the first organised literary effort on the part of the

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[76]B.M. Gandhi,*Indian Penal Code* 558-562 (Eastern Book Company, Lucknow, 1996).

[77]Shakuntala Devi, *The World of \Homosexuals*(Vikas Publishing House, New Delhi, 1977).

[78]ArvindNarrain and GautamBhan (eds.), *Because I Have A Voice: Queer Politics In India*, (Yoda Press, New Delhi, 2005),*availableat:*https://books.google.co.in/books?isbn=819022722X (Visited on December 22, 2017).

gay community to assert itself in a world which still sees same-sex love as queer. The contributors to the anthology come from within the gay community, and hail from distant corners of the country. The essays in this volume are a celebration a defiant political resistance and introspective reflection and have a conceptual space. They talk of the past, present and future of queer lives and share stories of pain, joy, struggle and victory in equal measure. They are the voice of a community that refuses to be silenced. The Article with the title -*"It's not my job to tell you that it's okay to be gay: Medicalization of Homosexuality"* is a great piece of work which directly attacks the psyche of people who consider gay people as abnormal. Another Article titled as, *"Challenging the Limits of Law: Queer Politics and Legal Reform"* also is a literary work which will shake the consciousness of every sane person and make him/her realize that how important it is to secure the homosexuals their rights and identity as a normal human being. Complemented by an illustrated documentation section this unique anthology will be of great interest to the researcher and will also back her research work because of its uniqueness and quality work.

The book *"Neither Man Nor Woman: The Hijras of India"* [79] written by Serena Nanda focuses on the hijras roles in Indian society. This ethnography is a cultural study of the Hijras of India, a religious community of men who dress and act like women. It focuses on how Hijras can be used in the study of gender categories and human sexual variation. This book is very informative as it explores every aspect of hijras and their roles within their community, as well as their role in the Indian community as well. After background chapters on the culture, religion and biological status of hijras, the book displays four separate portraits of individual hijras. Then the author sums up with an intercultural comparison of hijras with other alternative gender roles including the 'berdache' of native North America and the transsexuals of modern Western societies. The author points that the idea that individuals could have mixed or alternative gender identities, although common in many cultures, is quite foreign to the West. It presents an alternative to Western ideas of gender identity. This book will help the researcher in starting her research from the roots of cultural identity of trans-people.

[79] Serena Nanda, *Neither Man Nor Woman: The Hijras of India* (Wadsworth Publishing Company, Belmont, California, 1990),*available at*: https://petervas.files.wordpress.com/2013/03/serena_nanda.pdf (Visited on January 15, 2018).

Susan Stryker and Stephen Whittle book entitled, *"The Transgender Studies Reader"*[80] have stated that transgender studies is the area of academic inquiry to grow out of the exciting nexus of queer theory, feminist studies and the history of sexuality. Because trans people challenge our most fundamental assumptions about the relationship between bodies, desire, and identity the writers consider the field as both fascinating and contentious. This book puts between two covers fifty influential texts with new introductions by the editors that, taken together, document the evolution of transgender studies in the world. By pooling together the voices and experience of transgender individuals, doctors, psychologists and academically-based theorists, this book will provide a foundational text to the researcher for the transgender studies and related queer theory. It will brush up in excellent way the knowledge of researcher regarding history of the trans movement.

Vikram Raghavan in his article, *"Navigating the Noteworthy and Nebulous in Naz Foundation"*[81]has exhaustively critiqued the Naz Foundation Judgment vis-à-vis also makes an interesting observations on the style in which the judgment has been penned. The judgment as a whole reflects a modern approach towards the treatment of legal sources. On the substantive legal aspects, the boldest advance of the judgment is quite clearly its innovation of substantive due process reasoning to test legality under Article 21 of the Constitution and carries it a step further than Maneka Gandhi's Judgment. The author points out that recourse to a privacy based argument may well be insufficient to protect the rights of gays in India, as for them the 'private' arena is often a shared public place. The author has strongly pointed out that Court had not made observations on the 'personal liberty' aspect of Article 21 which according to author was requisite in this judgment. At the end author suggests that instead of using the more stringent test of strict scrutiny, which may not be legally sustainable, the Court could have used the 'new equality' doctrine of arbitrariness under Article 14, which would be more in line with Indian Constitutional Jurisprudence. This paper will help the researcher to critically analyse the said judgment and learn the criteria followed by the hon'ble Apex Court in delivering the disputable judgment in Naz Foundation Case.

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[80]Susan Stryker and Stephen Whittle, *The Transgender Studies Reader*, (Taylor & Francis, New York, USA, 2006), *available at:*https://books.google.co.in/books?isbn=1135398917(Visited on December 22, 2017).

[81]VikramRaghavan, "Navigating the Noteworthy and Nebulous in Naz Foundation", 2 *NUJS L. Rev.* (2009) 397-417.

Dr.Shobharam Sharma in the article titled, *"Transgender in India: Human Rights and Social Exclusion"*[82]has explained the meaning of the term 'transgender'. Focusing basically upon the transgender issues it has discussed the various health related problems faced by this community. The article elaborately discusses the exclusion faced by the transgender from social, economic and cultural participation. The transgender are denied the political participation which ultimately hinders their democratic rights. There are various issues which hamper their social security and deny them their basic rights and make these people vulnerable to atrocities. This article will guide me in deeply understanding the problems faced by this socially deprived community of transgender and in coming to the conclusion as to these issues can be addressed.

Mamta Gupta in her Article published as, *"Sexuality in the Indian subcontinent"*[83]has clarified that sexuality was not a taboo in ancient India as long as it was within the context of marriage. Many books and treatises have been written on the subject over the centuries. Temples from the 5th century onwards show sculptures of deities, apsaras (heavenly nymphs) and ordinary people in erotic postures. Over the centuries, various invaders have influenced social, cultural and sexual practices in India. A society's beliefs take generations to change. People who have emigrated to the West from the Indian subcontinent have carried with them their own beliefs. It may take many generations to change their views. Whether all changes would be for the better is questionable. Bearing this in mind, it is important for the therapist working with Indian immigrants to understand and use their beliefs when counselling them, along with modem strategies and interventions. Although there are many different faiths in India, their cultural values are often similar. The author had discussed various beliefs empowering the minds of people of Indian subcontinent regarding the concept of sexuality which will make the researcher aware of the mind-set of the people of various categories and generations.

Robert Wintemute, a foreigner has shown his concern towards rights of homosexuals in India through his article, *"Same-Sex Love And Indian Penal Code Section 377: An Important*

[82]Dr.Shobharam Sharma, "Transgenders in India: Human Rights and Social Exclusion", *AIR* May 2013 Vol. 100, Part 1193 86-96.

[83]Mamta Gupta, "Sexuality in the Indian subcontinent",*Journal of Sexual and Marital Therapy*, Vol.9, Issue 1, 1994, 57-69.

Human Rights Issue For India"[84] canvass the relatively new phenomena of "sexual orientation" and "gender identity" faced by India. The author un-riddled the reasons why criminalisation of same-sex sexual activity by IPC under Section 377 is an important human rights issue for India. The article further expounds that the roots of Section 377 are embedded in Christian religious law and how it got exported to India and took its present shape and that its equivalent in English criminal law had been repealed. The article proceeds ahead and examines the international and comparative human rights law trends related to discrimination based on sexual orientation that would support a decision of the Delhi High Court "reading down" of Section 377 as not applying to private, consensual, adult sexual activity. The author admits that the stigmatising and chilling effect of Section 377 makes it much harder for India's lesbian and gay minority to become visible, and to challenge legal and social discrimination. The article takes into account that Naz Foundation decision is mainly about discrimination (direct or indirect) against gay men and lesbian women, and that freedom from discrimination is a civil and political right, essential for a democracy in which there is equality of opportunity for all, without regard to sex, race, caste, religion, etc. This article will give insight to the researcher to the global trends relating to homosexual rights. It will sharpen her knowledge regarding the international scenario to the issue of decriminalisation of same-sex relationships as the author had elaborately discussed the laws of different countries and rulings of various Courts outside India.

Reports

- Wolfenden Report, 1957
- 42nd Law Commission Report, 1971
- 172nd Law Commission Report, 2000
- Ministry of Social Justice and Empowerment (India) - Report 2013

Judicial Response

The loquacious justice Krishna Iyer, in the case of *LingalaVijaykumar v. Public*

[84] Robert Wintemute,"Same-Sex Love And Indian Penal Code Section 377: An Important Human Rights Issue For India", 4 *NUJS L. Rev.* (2011) 31-65.

Prosecutor,[85] Andhra Pradesh while reflecting on the conditions of prison stated that "these adolescents,when ushered into jail with sex-starved 'Lepers 'sprinkled about, become homosexual offerings with nocturnal dog-fights". The quote, consistent with justice Iyer'suniquestyle, is extremely reflective of how homosexuals are perceived by the Indian judiciary. Homosexuals thus become acknowledged figures as predators and necessarily coercive sexual partners. And homosexuality has become the face of the general discourse on perversity.

In *Anil Kumar Sheel v. The Principal, Madan Mohan Malvia Engineering College*,[86] the Allahabad High Court has observed that, "unnatural offence incorporated in the IPC is primarily a matter of morality and State is much concerned with the behaviour and moral involved therein. …The problem would always be as to how far laws should uphold morality and it depends upon the facts and circumstances of the case. A judge is to keep his finger on the pulse of the society. …The law cannot undertake not to interfere."

In *AIDS BhedbhavVirodhiAndolan v. Union of India & Others,* [87] the AIDS BedhbhavVirodhAndolan (ABVA) in New Delhi filed a writ petition in Delhi High Court that asked for the repeal of section 377 of the Indian Penal Code, the law that criminalised homosexuality in India. In September 2004, a two-Judge Bench of the Delhi High Court, consisting of Hon'ble Chief Justice B.C. Patel and Hon'ble Justice BadarDurrez Ahmed, dismissed the petition on the grounds that there was no cause of action in the petition since there was no prosecution pending against the petitioner. Naz filed a review petition before the High Court pointing out that the homosexual community in India, on account of Section 377, is a socially disadvantaged group, which is unable to approach the court directly for fear of being identified and subject to harassment by the police. The High Court dismissed the review petition as well.

In *Naz Foundation v. NCT of Delhi and Others*,[88]the Bench, comprising of the then Chief Justice of the Delhi High Court Hon'ble Justice A.P. Shah and Hon'ble Justice Muralidhar, crafted a 105 page document that is considered a landmark in Indian judicial history, which held that treating consensual homosexual sex between adults as a crime is a violation of fundamental

[85]1978 SCC (4) 196 (para 11)
[86]AIR 1991 ALL 120 (para 15)
[87] Civil Writ Petition no.1784 of 1994
[88] AIR 2009 Del. 58

rights protected by India's Constitution. The court further held that no one can be discriminated on the basis of their sexual orientation and that the provision is violation of right to equality. The High Court decision was legally sound and was humane in its approach. The verdict resulted in the decriminalisation of homosexual acts involving consenting adults, throughout India. The judgment empowered a historically marginalized community. It was inevitable then, that within two weeks of the decision, an appeal will be filed before the Supreme Court of India.

In *Suresh Kumar Koushal and another v. NAZ Foundation and others*,[89] on December 11, 2013, the Supreme Court's bench consisting of Hon'ble Justice G.S. Singhvi and Hon'ble Justice S.J. Mukhopadhaya overturned the decision of the Delhi High Court and delivered one of its most heavily criticised judgments in recent history. It said that the 2009 order of the High Court is "constitutionally unsustainable as only Parliament can change a law, not courts."

National Legal Services Authority v. Union of India,[90] is regarded as a landmark judgment, delivered on April 15, 2014 by the Supreme Court Bench of Hon'ble Justice KS RadhakrishnanPanickerand Hon'ble Justice A.K. Sikri created the "third gender" status for hijras or transgenders. Earlier, they were forced to write male or female against their gender.The decision essentially states that "determination of gender to which a person belongs is to be decided by the person concerned". The Supreme Court asked the Centre to treat transgender as 'socially and economically backward'.

3. PROBLEM PROFILE

This study focuses on the people who self-identify as lesbians, gays, bisexuals and transgender, accept their sexual orientations openly and insist on their rights in the society at par with the heterosexuals. The researcher realizes the importance of studying all members of the LGBT community as traditionally, only the lesbian and gay section of the community has been studied in research. While this study does not wish to continue by giving attention to only a segment of the community, because all the sections are collectively represented though they have their own special requirements and challenges; which will be addressed only if they united get their basic rights of identification and equality. So it becomes necessary to study LGBT's

[89] AIR 2014 SC 563
[90] 2014(2) R.A.J. 673

collectively and look at Section 377 of Indian Penal Code, 1860 from various angles and its counterpart legal options globally.

Several quantitative and qualitative researches abroad have studied the experiences of lesbian and gay but India is lacking behind in a thoughtful research on this topic. Studies reveal the amount of harassment and discrimination faced by homosexuals and transgender from their own people. It is a high time that Indian legal researchers should also access the climate toward LGBT in India and determine the sound safeguards regarding their issues in harmony with the Indian emotions. India being close-knitted nation regarding sexual issues, researchers often run into the problem of finding participants because so many people are not willing to identify with a sexual minority status. Many are "in the closet" and do not wish to disclose their sexual orientation to anyone, even if the study guarantees anonymity. Cultural influences can add to a person's desire to keep his or her minority sexual identity invisible. Often, the researcher will study only those people who are comfortable with disclosing their sexual orientation, which unfortunately, limits the generalizability and authenticity of the obtained results. Researchers have yet to find a solution for this problem in lesbian and gay research. It is important that researchers continue this line of research and continue to find ways to overcome these many obstacles. Continuing research on LGBT's will further legitimize a population that has been traditionally ignored.

There has been very little research into the LGBT issues and those undertaken has not been significant to be the cause of law change in India as much of it is done from a social or scientific point of view. Some research work only concentrates upon the medical issues involved with the LGBT's and there being other which only surveys the society's attitude towards the LGBT'S and there are countable number of autobiographies/biographies by the LGBT's which add on to the collection upon LGBT's work in India. This research work will attempt to highlight the importance of recognizing that the various populations represented by "L," "G," "B," and "T" are distinct groups, each with its own special concerns and needs. Lesbians, gay men, and bisexual men and women are defined according to their sexual orientation while transgender people are defined according to their gender identity and presentation. Despite many differences among the populations that make up the LGBT community, there are important similarities as well which will make the research focus on all of them equally. Taking into account the present

scenario there is a dire need that some thoughtful, insightful and influential research into the problems and rights due to the LGBT people is conducted in India. This research work will examine the existing status and situation of LGBT's in India. It will explore how the different organisations are working upon their necessities and how people with various sexual orientations actively participate in their framework of development and equality.

1. Transgender are not socially accepted. Transgender experience harassment, mistreatment, discrimination and violence at the hands of general public. They were ostracized by their communities for self-determining their gender.
2. Transgender lacks access to education. With reference to the census 2011, the Indian population of the transgender is 4.88 lakhs. The census also imparted their educational status to be just 46% as compared to the 76% among the General population. Among the counted Transgendered persons, 66% lived in rural areas and 38% are of working population.
3. Transgender don't receive medical attention and aid. They are also vulnerable to mental health problems like depression, suicidal tendencies, lack of social support and violence related stress.Limited available data show that the prevalence of HIV and STI – sexually Transmitted infections are high among the transgender population as compared to the normal population. They are highly vulnerable to sex related issues. Many transgender people have no health insurance, which can make a medical transition difficult or impossible
4. Transgender have no sexual rights asTransgender persons remain at the risk of criminalization under section 377 IPC. The persecution transgender persons face because of their sexual practices which are perceived to be in conflict with the laws proscribing same-sex relationship.
5. Transgender people experience job discrimination and have high rates of unemployment and poverty.Nearly half of trans people report having been fired, denied employment or denied promotion for being trans, and 90% of trans people report being harassed at work for being transgender.

Each being in this Universe is indeed unique, and an integral part of Nature. It would thus be wrong to judge and discriminate people who may be different from the stereotype,

which again is man-made. It is time that India realized that every individual in this country has equal rights and privileges, and follow the policy of "live and let live."

4. SIGNIFICANCE OF THE STUDY

There have been a handful of research studies on LGBT's legal recognition and further very few that has empirically studied the real cause, effect and influence of Section 377 of IPC upon the LGBT's in India. This study focuses on the challenges faced by the LGBT's in their claim for equal legal rights and whether Section 377 of IPC is constitutionally valid and desirable in the present scenario of 21st century socially and legally advancing modern Indian society. The study being a socio-legal study will try to evaluate Section 377 of IPC and address the gap between the researched literature and existing law which will ultimately suggest the design for an ideal law that could pay heed to the demands of LGBT's without disturbing the culture, ethics, religious and political sentiments of the various groups in India.

In addition to contributing to the theory and research this study could be useful to the law-makers, judiciary, advocates, LGBT supporters as it will have a collaborative framework to understand the LGBT's culture, issues and rights in Indian perspective. It is an exhaustive study into the existing law on LGBT's and eventual rights clamoured for by them.

5. AIMS AND OBJECTIVES OF THE STUDY

The objectives of the research are as follows:

1. To study the various problems faced by the transgender community without the social and legal acceptance of their separate identity.
2. To examine the overall socio-legal impact of Section 377 of IPC.
3. To study the various decided case laws and understand judicial opinion in relation to the rights of homosexuals and transgender.
4. To study the authenticity and implementation of the "third gender" status given to the transgender.

5. To review and asses the socio-legal future of trans-genders in India

6. To observe the attitude and level of awareness of Indian society towards transgender by empirical study.

6. HYPOTHESIS

- Transgender are human beings and have right to live with human dignity.
- Lesbians, Gays, Bisexuals stand on different footing as compared to transgender and their rights are necessary for protecting the social interest.
- Steps have been taken to bring transgender on the equal footing with other citizens but more need to be done to change the attitude of society towards them if not done it shall lead to social disorganization and breakdown of community/society.

7. RESEARCH METHODOLOGYANDUNIVERSE OF STUDY

The present study adopts the doctrinal and empirical method of research. For building the conceptual and historical understanding of Trans-Genders, the thesis would be doctrinal. The researcher has to study both the primary and secondary sources of data for the purpose of research and thus will follow the doctrinal method of research. The primary sources of data used will include constitutional and legislative provisions, government reports, official documents and judgements of higher judiciary. The secondary sources of data used will include books, articles, journals, newspapers and websites.

The study also demands the empirical research for observing the tolerance and awareness level of Indian society towards the trans-genders. The wide area of universe is open to researcher but the study being socio-legal and focused to Indian trans-genderswill be confined to New Delhi. For this purpose the researcher will attend the various pride-parades and other seminars organized by this community favouring their demands and also those seminars and debates organized by the anti-LGBT's activists. The researcher will use the questionnaire technique of

research, which will be circulated in and around New Delhi.

8. PLAN OF STUDY

- **Chapter 1:** Introduction
- **Chapter 2:** Concept of Trans-Genders and comparison with lesbian gays and bisexuals
- **Chapter 3:** Historical Background of Trans-Genders
- **Chapter 4:** Human Rights of Trans-Genders- International Perspective
- **Chapter 5:** Constitutional and Legislative Provisions Relating to Trans-Genders
- **Chapter 6:** Judicial Attitude towards the Trans-Genders
- **Chapter 7:** Empirical Study
- **Chapter 8:** Conclusion and Suggestions

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